

REMARKS

Applicant has carefully reviewed the Application in light of the Final Office Action mailed August 20, 2009. At the time of the Office Action, Claims 1-20 were pending in the Application and they stand rejected. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Section 103 Rejection

Claims 1-9 are rejected as being unpatentable over U.S. Patent No. 7,277,957 issued to Rowley et al. (hereinafter “*Rowley*”) and further in view of U.S. Patent No. 7,072,967 issued to Saulpaugh et al. (hereinafter “*Saulpaugh*”). Claims 10-11 are rejected as being unpatentable over *Rowley*, *Saulpaugh*, and further in view of U.S. Patent No. 7,290,048 issued to Barnett et al. (hereinafter “*Barnett*”). Claims 12-20 are rejected as being unpatentable over *Rowley* in view of *Saulpaugh* and *Barnett*.

Moving directly to the merits of the Examiner's contentions, Independent Claim 1, as previously amended, recites “*...the packets representing a document that includes the objects, wherein the document is captured based on a capture rule that specifies the objects, and wherein a determination is made as to whether to discard or to store the objects of the document.*” Applicant thoroughly reviewed the passages cited by the Examiner and, while Applicant understands the Examiner's position, that position is simply untenable.

First, the Examiner should note that Independent Claim 1 is outlining how ***objects included within a document*** are being used as a basis for capturing a document. As is recited in Independent Claim 1, a rule specifies objects, which trigger the capturing of a particular document. In contrast to these operations, the Examiner cites the following passage of *Rowley* for these features:

FIG. 4 depicts a flow chart of the process for sorting the selected packets **200** into the protocol sorted list **300** as shown in FIG. 3, which depicts the protocol sorted list **300** including packets P1 through P9. A first packet P1 is read; if a decode for the protocol of the first packet P1 exists, the packet is decoded. If the first packet P1 is not needed for the subsequent reconstruction of the network communication session **102**, the packet is not included in the protocol sorted list **300**. For example, DNS (Domain Name Service) lookup request packets, error packets, or corrupted packets may not be included.

The Examiner uses this passage to support the notion that some type of filtering mechanism occurs. Looking closely at this passage, the *Rowley* reference explains that packets (e.g., P1) are read and, if a decode for a particular protocol exists, the packet is subsequently decoded. However, nowhere in this passage is there any recitation of capturing a specific document **based on an object included within the document**. The protocol mapping/decoding activities of *Rowley* are simply not akin to capturing specific documents based on objects included therein. In essence, *Rowley* performs a quick lookup operation for verifying possible decoding operations for packets. In no way does *Rowley* look for objects within documents as a basis for capturing a document.

Moreover, there is no rule being applied, or any type of rule that specifies objects in the *Rowley* reference. Additionally (and the Examiner appears to have glossed over this recitation), there is nothing in any of the cited references in which a determination is made for the aforementioned **objects**: much less a determination as to whether to discard or to store the objects of the document. Applicant has reviewed the cited references in their respective entireties and finds nothing that would be relevant to these features of Independent Claim 1.

For at least these reasons, the Independent Claims are allowable over the cited reference. Additionally, the corresponding dependent claims from these Independent Claims are also patentably distinct for analogous reasons. Thus, all of the pending claims have been shown to be allowable as they are patentable over the references of record. Notice to this effect is respectfully requested in the form of a full allowance of these claims.

ATTORNEY DOCKET NO.
006897.P001
Confirmation No. 8139

PATENT APPLICATION
10/815,240

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CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

An Information Disclosure Statement is being filed simultaneously herewith. The late submission fee of §1.17(p) in the amount of \$180 is being paid concurrently herewith via the Electronic Filing System (EFS) by way of Deposit Account No. 50-4889 authorization. No additional fees are believed due. However, please apply any other charges or credit any overpayment to Deposit Account No. 50-4889 of PATENT CAPITAL GROUP, referencing the attorney docket number referenced above.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact Thomas J. Frame at 214-823-1241.

Respectfully submitted,

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Date: October 20, 2009

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